

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUNIOR A. NUNEZ RODRIGUEZ,

Plaintiff,

v.

FORDHAM AUTO PLUS, INC. and JULIO  
CABRERA,

Defendants.

No. 24-CV-6873 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The parties shall disregard the Court’s March 20, 2025 purporting to close the case. *See* Dkt. 34. As Magistrate Judge Parker explained in her order of the same date, settlement of a Fair Labor Standards Act (“FLSA”) claims requires approval by the Court. *See* Dkt. 35. Accordingly, no later than April 21, 2025, the parties shall take one of the following actions:

1. Consent to conducting all further proceedings before Magistrate Judge Parker by completing the attached consent form, which is also available at <http://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>. As the form indicates, no adverse substantive consequences will arise if the parties choose not to proceed before Judge Tarnofsky.
2. Submit a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved, accompanied by all necessary supporting materials. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). In light of the presumption of public access attaching to “judicial documents,” *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir.

2006), the parties are advised that materials on which the Court relies in making its fairness determination will be placed on the public docket, *see Wolinsky v. Scholastic Inc.*, No. 11-CV-5917 (JMF), 2012 WL 2700381, at \*3–7 (S.D.N.Y. July 5, 2012).

The parties are advised, however, that the Court will not approve of settlement agreements in which:

- (a) Plaintiffs “waive practically any possible claim against the defendants, including unknown claims and claims that have no relationship whatsoever to wage-and-hour issues,” *Gurung v. White Way Threading LLC*, 226 F. Supp. 3d 226, 228 (S.D.N.Y. 2016) (internal quotation marks omitted); or
- (b) Plaintiffs are “bar[red] from making any negative statement about the defendants,” unless the settlement agreement “include[s] a carve-out for truthful statements about [P]laintiffs’ experience litigating their case,” *Lazaro-Garcia v. Sengupta Food Servs.*, No. 15 Civ. 4259 (RA), 2015 WL 9162701, at \*3 (S.D.N.Y. Dec. 15, 2015) (internal quotation marks omitted).

SO ORDERED.

Dated: March 24, 2025  
New York, New York



---

Ronnie Abrams  
United States District Judge